

REMARKS

In response to the Office Action dated June 15, 2004, applicants present the foregoing amendments and following remarks. Pursuant to 37 C.F.R. § 1.111, applicants respectfully request reconsideration of each and every ground for the rejection of the claims set forth in the Office Action.

The Office Action withdrew a restriction requirement made by Paper No. 8. It further objected to the drawings under 37 C.F.R. § 1.83(a) because, according to the Action, certain elements recited in the claims are not shown in the drawings. The Office Action further objected to the specification due to phraseology used in the abstract of the disclosure.

The Office Action objected to claims 1, 3 and 5-22 due to informalities and the language used in the claims. Claims 1 and 3 were rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. Claims 1, 3 and 5-22 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for various reasons. Claims 1, 3 and 5-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mathur et al. U.S. Patent 4,905,758 (“Mathur et al.”).

Applicants respectfully traverse the objection to the drawings as failing to show the features in the claims 7 and 13, *i.e.*, an arrangement with first and second spaced tongue-like portions that receive two outwardly protruding flaps. The objection to the drawings also refers to lack of “a corresponding superjacent pressure element,” which objection would apply to dependent claims 10, and 17-21. However, the claimed subject matter of claims 7 and 13 is shown in Fig. 8. Specifically, two opposed flaps (denoted as numeral 42) are illustrated in Fig. 8 that are configured to be received within

complementary openings in the raised tongue-like portions 29 illustrated in Fig. 5. With respect to the superjacent pressure element, that feature is denoted as numeral 35 in Fig.

7. Applicants submit that these features correspond to the recited elements in the claims, and that no further changes to the drawings are required. At a minimum, the specification, taken in conjunction with the drawings, and particularly Figs. 5, 7 and 8 and the accompanying specification, contains adequate description sufficient to apprise one skilled in the art that applicants were in possession of this claimed subject matter.

Applicants rewritten claim 1 as new claim 23. In doing so, applicants have attempted to take into account the numerous suggested changes in the Office Action. Applicants submit that claim 23 meets the statutory requirements of 35 U.S.C. § 112, ¶¶ 1-2.

Applicants have further amended the claims to set forth the distinctions between the subject matter thereof and Mathur et al. Specifically, the claims include one (or two) tongue-like portions disposed within respective expanded groove portions formed in a heat exchanger plate and extending upwardly from such groove portions. This distinction with respect to Mathur et al.'s disclosure, which does not teach forming any tongue-like portion within sub-grooves, is not trivial. As explained in the specification, because openings exposed by the formation of such tongue-like portions are more closely spaced to each other due to the relatively small distance between the openings and the tooling required to form such openings, the invention is less susceptible to tolerance considerations.

In contrast, Mathur et al. discloses that opposed openings are formed in the edges of the sub-grooves themselves. Mathur et al.'s arrangement, therefore, has a greater likelihood of failure due to the increased distance between opposed sub-groove portions. In any event, Mathur et al. does not disclose the formation of a tongue-like portion extending upwardly in

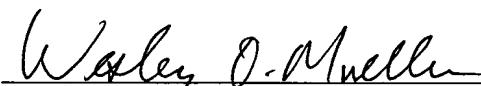
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respective expanded groove portions of the heat exchanger plate. Accordingly, Applicants respectfully submit that claims 23 and 24, as well as claims dependent thereon, are now allowable.

Conclusion

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims.

Respectfully submitted,



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